IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 6036 of 2000

Between:

The Executive Engineer, N.S.C. O & M.Division,

Tekulapally, Khammam

..... PETITIONER

AND

1)Syed Jaffar Moinuddin, s/o. S.A.Sattar,

c/o. P.M.Vijay, representative,

H.No.2-1010-B-10-2-1-H, Srinivasa Nagar,

V.V.Complex, Hanamkonda.

2)The Presiding Officer, Industrial Tribunal-cum-

Labour Court, Warangal

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or order or direction more particularly one in the nature of writ of Certiorari calling for the records pertaining to I.D. No.134 of 1994 on the file of the Labour Court, Warangal and quash the same as illegal and opposed to the Industrial Disputes Act.

Counsel for the Petitioner: Government Pleader for Irrigation.

Counsel for the Respondent No.1: MR. A.Yadagiri Reddy

Counsel for the Respondent NO.2: G.P. for Labour.

The Court made the following :

ORDER:

Heard both sides. The petitioner herein, who is an Executive Engineer, filed this Writ Petition, *inter alia,* seeking to assail the award dated 25.01.1999 in I.D. No.134 of 1994 on the file of the second respondent herein, as illegal.

At the instance of the first respondent herein that he was working as N.M.R. and though he worked for more than 240 days, he was terminated illegally, a dispute was taken up as I.D. No. 134 of 1994 on the file of the second respondent, at his reference. During the course of enquiry, both sides produced evidence and after considering thereof, it was held that the first respondent did complete a period of 240 days as required under law. Further, it is also pointed out that despite direction given by the second respondent for production of records as per the order in interlocutory application, no papers were filed and therefore, it amply goes to show that the first respondent served the petitioner for the required period. The said finding is purely that of a fact, which was arrived at after entire reappreciation of the evidence as let in on both sides. Having regard to the finding of fact, this Court can not go into such question in exercise of powers under Article 226 of the Constitution of India. Therefore, I do not find any merits in the Writ Petition.

The Writ Petition is, accordingly, dismissed. No costs.

(B.Prakash Rao, J.)

05.04.2005

DRK/Chvn.

Copy to:

1)The Presiding Officer, Industrial Tribunal-cum-Labour Court, Warangal

2)Two CCs to the G.P. for Labour, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

3) Two CD copies.